

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHANTELLE RENEE LAFRENIERE
3400 Avenue of the Arts, #H315
Costa Mesa, CA 92626

Registered Nurse License No. 725596

Respondent

Case No. 2012-543

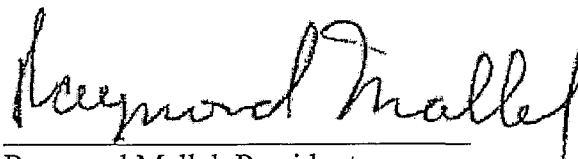
OAH No. 2012050573

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 2, 2013.**

IT IS SO ORDERED **December 3, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS
Deputy Attorney General
4 State Bar No. 131767
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2078
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **CHANTELLE RENEE LAFRENIERE**
13 **3400 Avenue of the Arts # H315**
14 **Costa Mesa, CA 92626**

15 **Registered Nurse License No. 725596**

16 Respondent.

Case No. 2012-543

OAH No. 2012050573

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Sherry L. Ledakis, Deputy Attorney General.

24 2. Respondent Chantelle Renee Lafreniere (Respondent) is represented in this
25 proceeding by attorney Allan Castillo, whose address is: Alan Castillo, of Law Office of Barry T.
26 Simons, 260 St. Ann's Drive, Laguna Beach, CA 92651.

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3. On or about April 28, 2008, the Board of Registered Nursing issued Registered Nurse License No. 725596 to Chantelle Renee Lafreniere (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-543, and will expire on July 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-543 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 13, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-543 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-543. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-543.

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9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing's Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 725596 issued to Respondent Chantelle Renee Lafreniere (Respondent) shall, by way of letter from the Board's Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached as Exhibit B to this stipulation.

IT IS FURTHER ORDERED Respondent shall pay \$1,590.00 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

ACCEPTANCE

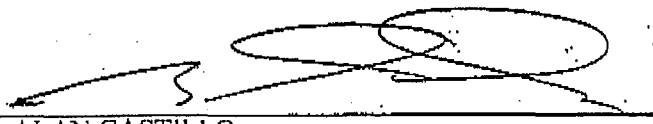
I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Allan Castillo. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 9/18/12


CHANTELLE RENEE LAFRENIERE
Respondent

I have read and fully discussed with Respondent Chantelle Renee Lafreniere the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: 9/18/2012


ALAN CASTILLO
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: *Sept. 24, 2012*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Sherry Ledakis
SHERRY L. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-543

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS
Deputy Attorney General
4 State Bar No. 131767
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2078
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2012-543**

12 **CHANTELLE RENEE LAFRENIERE**
13 **1433 Superior Avenue #229**
14 **Newport Beach, CA 92663**

A C C U S A T I O N

15 **Registered Nurse License No. 725596**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about April 28, 2008, the Board of Registered Nursing issued Registered Nurse
23 License Number 725596 to Chantelle Renee Lafreniere (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on July 31, 2013, unless renewed.

26 ///

27 ///

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

...

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ...

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record
of the conviction shall be conclusive evidence thereof.

12

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

16 ...

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
19 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b)
22 of this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
23 the conviction is conclusive evidence thereof.

24

25 REGULATORY PROVISIONS

26 11. California Code of Regulations, title 16, section 1444, states:

27 A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a

manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(March 15, 2011 Criminal Conviction for DUI on November 8, 2010)

14. Respondent has subjected her license to disciplinary action under sections 490(c) and 2761(f) of the Code in that Respondent was convicted of a crime that is substantially

1 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
2 follows:

3 a. On or about March 15, 2011, in a criminal proceeding entitled *People of the*
4 *State of California v. Chantelle Renee Lafreniere*, in Orange County Superior Court, Harbor
5 Justice Center, case number 10HM09499, Respondent was convicted on her plea of guilty of
6 violating Vehicle Code section 23152, subdivision (b), driving with a blood alcohol level of .08%
7 or more, a misdemeanor.

8 b. As a result of the conviction, Respondent was sentenced to serve three years of
9 informal probation, pay fines and penalties, and attend and complete a nine-month Level 2 First
10 Offender Alcohol Program.

11 c. The facts that led to the conviction are that on or about November 8, 2010 at
12 approximately 2:00 a.m., a Newport Beach Police Department police officer observed
13 Respondent's car make a northbound turn onto a one-way street going the wrong direction. The
14 officer initiated a vehicle stop. There were two occupants inside the vehicle and Respondent was
15 driving. Respondent admitted to the officer that she had had 2-3 glasses of vodka prior to driving.
16 The officer observed that Respondent's eyes were bloodshot, watery and had horizontal
17 nystagmus. As the officer spoke to Respondent outside of the vehicle he noted a moderate odor
18 of alcohol emanating from her person. Respondent's speech was slurred and she swayed as she
19 spoke to the officer. The officer administered field sobriety tests which Respondent failed. She
20 was unable to complete simple tasks such as counting and following instructions. Respondent
21 was arrested and transported to the Newport Beach Police Department where a blood test was
22 taken which revealed a blood alcohol content of .21%.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)

25 15. Respondent has subjected her registered nurse license to disciplinary action
26 under section 2762(b) of the Code in that on or about November 8, 2010, as described in
27 paragraph 14, above, Respondent used alcoholic beverages to an extent or in a

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1 manner that was potentially dangerous and injurious to herself, and to others in that she operated
2 a motor vehicle with a significantly high blood alcohol concentration.

3 **THIRD CAUSE FOR DISCIPLINE**

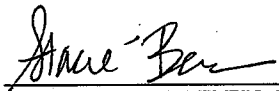
4 (Unprofessional Conduct - Conviction of an Alcohol-Related Criminal Offense)

5 16. Respondent has subjected her registered nurse license to disciplinary action under
6 section 2762, subdivision (c) of the Code in that on or about March 15, 2011, as described in
7 paragraph 14, above, Respondent was convicted of a criminal offense involving the consumption
8 of alcohol, which constitutes unprofessional conduct.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 725596, issued to
13 Chantelle Renee Lafreniere
- 14 2. Ordering Chantelle Renee Lafreniere to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18

19 DATED: March 13, 2012 
20 for LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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25 80617740.doc

Exhibit B

Letter of Public Reproval in Case No. 2012-543



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing

P O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Louise R. Bailey, M.ED., RN, Executive Officer



December 3, 2012

Chantelle Renee Lafreniere
3400 Avenue of the Arts, #H315
Costa Mesa, CA 92626

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Chantelle Renee Lafreniere, Registered Nurse License No. 725596

Dear Ms. Lafreniere:

On March 13, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct under Business and Professions Code sections 490(c) and 2761(f) in that March 15, 2011, you sustained a criminal conviction for driving under the influence of alcohol on November 8, 2010. This is a crime substantially related to the qualifications, functions and duties of a registered nurse. The proposed settlement in this case is an Order for Public Reproval and reimbursement of the Board's investigation and prosecution costs; which is a downward departure from the Guidelines, for the reasons discussed below.

Taking into consideration that your crime occurred more than one and a half years ago, and that you have had no prior or subsequent convictions, it appears to be an isolated incident. You are currently employed at Children's Hospital in Orange County in the Neonatal Intensive Care Unit and have received performance evaluations attesting to your competency and your ability to exceeding expectations in showing compassion and empathy to your infant patients and their families. You have also submitted documentation from parents regarding your caring and responsible nature in caring for their infants. There are other mitigating circumstances in this case that support the determination that you are safe to practice as a registered nurse, therefore the Board has decided that the charges warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproval.

Sincerely,

Louise R. Bailey M.Ed., RN

LOUISE R. BAILEY, M.ED., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California